

The Law Offices of  
**ELLIS, HOLMES & WITCHLEY, PLLC**  
705 Second Ave., Suite 401  
Seattle, WA 98104  
(206) 262-0300 (ph) □ (206) 262-0335 (fax)

March 5, 2009

Clerk of the Court  
Washington Supreme Court  
Temple of Justice  
P.O. Box 40929  
Olympia, WA 98504-0929  
*Filed via email attachment*

**RE: State of Washington v. Kenneth Lee Kylo, No. 81164-4**  
**Statement of Additional Authorities**

Clerk of the Court:

Pursuant to RAP 10.8, Appellant submits the following additional authority on the issue of whether the State should be permitted to offer new proof at resentencing, if this Court rules in favor of Kylo's appearance of fairness claim:

*State v. Lopez*, 147 Wn.2d 515, 55 P.3d 609 (2002);

*State v. Bergstrom*, 162 Wn.2d 87, 169 P.3d 816 (2007).

Sincerely,

/s/ Jeff Ellis  
Jeff Ellis  
*Attorney for Mr. Kylo*

cc: Michelle Shaffer, DPA  
Cowlitz County Prosecuting Attorney

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